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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,802	11/18/2003	Timothy W. Girdalin	8591-111	6775
36412	7590	03/30/2005	EXAMINER	
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400 SAN DIEGO, CA 92101-7915			HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,802	Applicant(s) GIRALDIN ET AL.	
	Examiner Daniel A. Hess	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

This action is in response to an amendment received 12/29/2004, which has been placed in the file of record.

In the first action issued 10/5/2004, the examiner indicated that certain subject matter was allowable. The examiner unfortunately feels he must reverse that position at this time. Since the examiner is changing his position, however, this action will be non-final. The examiner regrets any inconvenience caused by this change of position.

In brief, the examiner feels that the term 'personal identification locator' is a broader term than he originally realized. While there are specific aspects of the P.I.L. that are described in the specification such as can be found in paragraph [0022], these aspects are not conveyed in the claims. Thus the examiner must give the term 'personal identification locator' its broadest possible meaning in the art.

Also, the examiner wishes to make the general observation that the claims as presently recited still seem very broad. In addition to the broadness of 'personal identification locator,' the term 'stations' is subject to broad interpretation as well as 'confined area.' Features that seem important in the invention, including the use of radio transmitters in the P.I.L. and transmission stations in the form of radio towers that serve to locate are not conveyed, and these are examples of things that could further limit the claims.

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Specification

The disclosure is objected to because of the following informalities: in paragraph [0003], references to various application numbers are blank and need to be filled in.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benkert et al. (US 6,796,497).

Re claim 19: Benkert et al. teaches essentially a financial account system having a primary account and associated subsidiary spending account(s) (column 3, line 20 to column 4, line 60 are exemplary). It is clear that there may be multiple subsidiary accounts (column 5, line 64 to column 6, line 7). The most prominent example provided by Benkert et al. is an arrangement wherein a parent is in charge of a primary account and then can provide limited access to finite amounts of funds in one or more subsidiary accounts for use by one or more children. In this arrangement, all of the cardholders including the parent and children can be considered members of a group. The system tracks monetary deposit information by the parent (figure 1, reference 134). Each member of the group has a personal card, and this card essentially qualifies as a personal identification that they would provide at a location such as a store where they can perform a **cashless** transaction (in that case using the card as a credit card). In the case of a credit card-type transaction at a store, transaction information would certainly be stored, both by the store and by the credit card system. Transaction reports are a natural part of the Benkert et al. system: see figure 2, refs. 232 and 234.

Regarding the limitation that *account information is received at the cashless station via a personal identification locator*, when this claim is given very broad meaning, one can take the view that location information for a person is achieved through transaction at a cashless vendor. A transaction card identifies a person, and the cashless vendor has a

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particular location. For example, use of the credit card at a particular store by a child who is a member of the group would result at least in a record that shows that *that* child was at the location of that store at the time of the transaction. This meets a broad interpretation of location identifier.

Lacking in Benkert et al. is a teaching that the communications and transactions are limited to a confined area.

It is well-known, however, that not all bank cards are accepted at every point of sale. In this sense, many transaction cards are limited to particular areas where they are accepted. For example, while VISA and Mastercard are almost universal as of the time of this writing, others, ranging from Discover to Diner's Club and other even less well-known names have limited areas of usage.

In view of this, limiting the area of usage of a transaction card may save the enormous cost of trying to make a transaction card system universal.

Re claims 20 and 21: In Benkert et al., the parent can allocate a particular spending limit to a child – i.e. “flexible limit subsidiary account system” (column 8, lines 66 and 67).

Re claim 22: Total amounts spent would naturally be subject of the various statements of the parent and subsidiary accounts indicated in figure 2, refs. 232 and 234.

Re claim 23: If a subsidiary account-holder attempts to obtain an amount of cash greater than what is available to them according to the limits that have been set, they will clearly not be able to.

Re claims 24-28: See claims 19-23, respectively. Claims 24-28 describe a system which embodies the method of claims 19-23, respectively.

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Re claims 29-33: See claims 19-23, respectively. Claims 29-33 describe software which achieves the method of claims 19-23, respectively. It is implicit that Benkert's system operates through software.

Re claims 34-36: These claims are similar to claims 19, 24 and 29, respectively but they are even broader in that they do not refer to a group but rather to an individual. As a result even a more generic transaction card could meet the limitations of the claim, with or without the special 'group' account aspects of Benkert.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DH

DANIEL STCYR
PRIMARY EXAMINER

